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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

IN RE COLLEGE ATHLETE NIL
LITIGATION

Case No. 4:20-cv-03919-CW

**DECLARATION OF STEVE W. BERMAN IN
SUPPORT OF PLAINTIFFS'
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL INFORMATION IN
CONNECTION WITH PLAINTIFFS'
MOTION FOR PRELIMINARY
SETTLEMENT APPROVAL**

Hon. Claudia Wilken

I, Steve W. Berman, declare as follows:

1. I am the managing partner of Hagens Berman Sobol Shapiro LLP (“Hagens Berman”) and counsel for the Plaintiff Classes (“Plaintiffs”) in the above-captioned action. I have personal knowledge of the matters set forth herein, and if called upon as a witness, I could competently testify thereto.

2. I have reviewed Northern District of California Civil Local Rules 7-11 and 79-5.

3. I submit this declaration pursuant to Local Rule 79-5(c) and 7-11(a) in support of Plaintiffs’ Administrative Motion to File Under Seal Information in Connection With Plaintiffs’ Motion for Preliminary Settlement Approval (“Sealing Motion”), in order to establish the portions of Plaintiffs’ Motion for Preliminary Settlement Approval that contain information that merits sealing.

4. Plaintiffs seek to seal only the information in the Stipulation & Settlement Agreement in this matter—appended as Exhibit 1 to the Declaration of Steve W. Berman In Support of Plaintiffs’ Unopposed Motion for Preliminary Settlement Approval—that relates to Defendants’ right to terminate the Settlement Agreement, in the event that a certain percentage of potential settlement class members timely and validly opt out of the settlement class.

5. Disclosure of this information would jeopardize what promises to be a landmark settlement for college sports and scores of college athletes.

6. The information that Plaintiffs seek to seal through their Sealing Motion is notated in the following table:

Document	Portion Sought to Be Sealed	Basis for Sealing
Stipulation & Settlement Agreement (Ex. 1 to the Declaration of Steve W. Berman In Support of Plaintiffs’ Unopposed Motion for Preliminary Settlement Approval)	Highlighted Portion of ¶ 37(c)	Contains opt-out threshold information. If disclosed, this information could be used by third parties for improper purposes, <i>i.e.</i> , as a means of undermining the proposed landmark settlement to obstruct the settlement and garner higher payouts.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed this 26th day of July, in Seattle, Washington.

/s/ Steve W. Berman
STEVE W. BERMAN